



INTERIOR BOARD OF INDIAN APPEALS

Dennis G. Chappabitty v. Acting Assistant Secretary - Indian Affairs

17 IBIA 121 (04/19/1989)

Denying reconsideration of:
17 IBIA 94

Judicial review of this case:
Chappabitty v. United States, Civ. No. S-88-0125-EJG/EM (E.D. Calif.)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

DENNIS G. CHAPPABITTY,
Appellant

v.

ACTING ASSISTANT SECRETARY -
INDIAN AFFAIRS,
Appellee

: Order Denying Reconsideration
:
:
:
: Docket No. IBIA 89-14-A
:
:
: April 19, 1989

Appellant has filed a petition for reconsideration of the Board's order of March 14, 1989, 17 IBIA 94. That order dismissed his appeal from a February 27, 1989, decision of the Acting Assistant Secretary - Indian Affairs concerning an attorney contract between appellant and the Rumsey Indian Rancheria.

Appellant's appeal was dismissed because the Board lacked jurisdiction to review the decision appealed from, which was final for the Department. Appellant argues that extraordinary circumstances warranting reconsideration are present because the Board now has a related appeal pending before it. 1/

Appellant fails to address the grounds upon which his appeal in this case was dismissed. The fact that the Board has a related case before it does not vest the Board with jurisdiction over this appeal, in which a decision final for the Department has already been issued, even though the two appeals may have arisen from the same factual background.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the petition for reconsideration is denied.

//original signed
Anita Vogt
Administrative Judge

//original signed
Kathryn A. Lynn
Chief Administrative Judge

1/ On March 16, 1989, an appeal then pending before the Assistant Secretary was transferred to the Board in accordance with new appeal procedures that became effective on March 13, 1989. See 54 FR 6478 (Feb. 10, 1989). That appeal was docketed on March 17, 1989, and is captioned Elaine Frease and Bessey Villalobos v. Sacramento Area Director, IBIA 89-15-A. A second appeal from the same appellants was docketed on April 5, 1989, with the docket number IBIA 89-24-A.